

Appl. No. 10/668,396
Amdt. dated September 26, 2007
Reply to Office Action of April 6, 2007

Remarks

The present amendment responds to the Official Action dated April 6, 2007. A petition for a three month extension of time and authorization to charge our credit card the three month extension fee of \$1020 accompany this amendment. The Official Action rejected claims 1-21 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-21 were rejected under 35 U.S.C. 112, second paragraph, as indefinite. Claims 1 and 11 were rejected under 35 U.S.C. 112, second paragraph, as incomplete for omitting essential steps. Claims 14-21 were rejected under 35 U.S.C. 102(b) based on Johnsen U.S. Patent No. 5,151,684 (Johnsen). Claims 1-21 were rejected under 35 U.S.C. 103 over Johnsen in view of applicants admitted prior art. These grounds of rejection are addressed below following a brief discussion of the present invention to provide context and to address support for the claims as amended. Claims 8-13, 19 and 20 have been canceled without prejudice. Claims 1-7, 14-18 and 21 have been amended to be more clear and distinct. Claims 1-7, 14-18 and 21 are presently pending.

The Present Invention

While it is believed that the originally filed claims were both clear, definite, distinct and enabled, in light of the many Section 112 rejections and in the interest of advancing prosecution, the claims have been extensively amended to more clearly track the working of the specification. A discussion of the present invention follows to provide context and to address exemplary support for these amended claims.

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As discussed beginning at page 3, line 13 and continuing through page 5, line 14, Fig. 1 shows a store system 10 including a transaction terminal 12, transaction server 14 and exit security terminal 16. Transaction terminal 12 executes security software 20 which causes a radio frequency identification (RFID) label reader 38 to obtain item identification information from an RFID label or labels during a transaction. Exemplary transactions are checkout at a supermarket or purchases at other retail establishments. See, for example, page 1, lines 9-13. Security software 20 then compares the item identification information from the RFID label or labels read by the RFID label reader to item identification information stored within inventory file 44 to determine whether the RFID label is associated with an item 32 for sale by the store. As further explained at page 4, lines 15-21, and page 7, lines 17-19, for example, inventory management software stores item identification information associated with all the items 32 to be sold by the store in inventory file 44.

Thus, if security software 20 determines that a read RFID label is not for one of the store items 32, then it can be assumed that the RFID label is one associated with a personal item 30 or a previously sold item 56. As noted at page 4, lines 16-21, the inventory file 44 may be purged of item identification information associated with sold items 56. Also, once payment has been made for an item 32, the transaction software 22 marks the item 32 as being sold in the inventory file 44. Page 4, lines 1-6.

To sum up, if the RFID label reader 38 reads the label of an item to be sold 32, the transaction proceeds as described at page 4, line 1-6 and that item is marked sold in inventory file 44. If the customer carries a personal item 30, for example, an item purchased elsewhere,

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marked with an RFID label which is not sold by the store, the security software can determine that its RFID identification information is not in the inventory file 44. If the customer carries an item 56 previously sold by the store, the security software will either see that the item has been marked sold or if that sold item has been purged, it won't find the item identification information in the inventory file 44. Thus, the security software 20 can determine that the RFID label for the latter two cases is one associated with a personal item 30 or a previously sold item 56 as described at page 3, lines 26-30.

When the shopper exits the store, exit security terminal 16 determines whether an RFID label or labels read at the exit is associated with a personal item 30, an item 32 sold by the store or a sold item 56 as described at page 4, line 25, page 5, line 2. Other aspects of the invention are addressed in the discussion of the exemplary method of Fig. 2. Page 5, line 15-page 7, line 5.

Section 112 Rejections

The Section 112 rejections have been addressed and overcome by the present amendment, and should be withdrawn. If the Examiner would like to discuss any aspect of this case, he is requested to call the undersigned.

The Art Rejections

As addressed in greater detail below, Johnsen and any admitted prior art do not support the Official Action's analysis and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of Johnsen or any admitted prior art made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections in its entirety.

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However, in this regard, it is noted that the previous wording of the claims may have obscured the invention making it more difficult for the Examiner to consider it with respect to the relied upon art. That said, Johnsen appears to address an approach totally different from that of the present invention and Johnsen clearly does not anticipate and does not make obvious the claims as presently amended.

Johnsen describes an arrangement in which a tag device is removed at checkout so that when the product leaves the store no alarms will be triggered. See, for example, col. 5, lines 62-63; col. 6, line 19, particularly lines 17-19 which state: "Merchandise that is properly purchased will **have its tag device removed** and thus avoids such an alarming situation." (emphasis added) Further details of checkout are provided at col. 11, lines 49-65, for example.

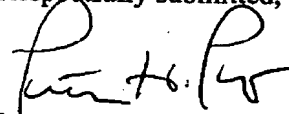
Because the Johnsen tags are removed upon sale, there is no recognition of the problems addressed by the present invention in which tags which are not removed or otherwise deactivated are brought back into a store by a shopper. These personal items of the shopper may comprise products purchased elsewhere or items purchased at the store itself. Johnson does not address these situations. The present claims do advantageously and should be promptly allowed.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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